

REMARKS/ARGUMENTS

This Application has been carefully reviewed and analyzed in view of the Office Action dated 27 February 2007. Applicant previously filed an amendment to the Office Action. The Examiner then issued a notice of non-compliance on 28 August 2007. The Examiner granted a telephone interview where the application was further discussed and it is believed that the subject amendment has been amended in accordance with the interview discussion and agreed to by the Examiner. Responsive to the Office Action, Claim 2 has been cancelled and Claims 1, 3-5, 9 and 11-12 have been amended for further prosecution with the other pending Claims. It is believed that with such amendment of Claims, there is a further clarification of the pending Claims' recitations.

In the Office Action, the Examiner rejected Claims 4, 5, 9, 11-12 due to informalities therein. In response to this rejection, the appropriate Claims have been amended to correct the informalities found therein.

In the Office Action, the Examiner rejected Claims 1-12 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In response to this rejection, the appropriate Claims have been amended and now particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

In the Office Action, the Examiner rejected Claims 1-3 and 6 under 35 U.S.C. §103(a) as being unpatentable over the Cao, et al. reference in view of the Horacek, et al. reference. In setting forth this rejection, the Examiner acknowledged that the Cao, et al. reference fails to disclose a flow injection system or cystine, but cited the Horacek, et al. reference for disclosing such, concluding that it would have been obvious to one of

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ordinary skill in the art that at the time the invention was made to use the methods of Cao, et al. and Horacek, et al. together.

Additionally, the Examiner rejected Claims 1 and 6-8 under 35 U.S.C. §103(a) as being unpatentable over the Cao, et al. reference in view of the Horacek, et al. reference, and further in view of the Domb reference. In setting forth this rejection, the Examiner acknowledged that the Cao, et al. and Horacek, et. al. references do not disclose the use of oxytocin or vasopressin, but cited the Domb reference for disclosing such, concluding that it would have been obvious to one of ordinary skill in the art to combine the methods of Cao, et al., Horacek, et al. and Domb to gain the benefit of being able to imprint hormones.

As newly-amended independent Claim 1 now more clearly recites, Applicant's claimed method for forming a molecularly imprinted memory and using the membrane in discriminating a peptide, includes among its combination of steps the step of dissolving "said derivative of cystine in a mixture of acetonitrile and DMF." The dissolved derivative of cystine is then adsorbed onto a chip to form a single layer.

The full combination of these and other steps, now more clearly recited by Applicant's pending Claims, is nowhere disclosed by the cited references. Although Cao, et al teaches a method that includes adsorbing an organic compound onto a chip, nowhere does such disclose or suggest dissolving the derivative of cystine in a mixture of acetonitrile and DMF. Furthermore, as the Examiner noted, the Cao, et al. reference nowhere discloses the use of cystine. Even beyond this, the membrane formed in the Cao, et al. reference differs substantially from the molecularly imprinted membrane taught by Applicant.

The Examiner cited the Horacek, et al. reference for disclosing cystine as a monomer for molecularly imprinted membranes. However, the Horacek, et al. reference uses cystine to form monolayers and discloses the use with antibodies, not molecularly imprinted membranes. Thus, Applicant is not able to ascertain the relevancy of the Horacek, et al. reference. Even beyond this, the Horacek, et al. reference discloses “monolayers of the suitable compounds (including cystine), whereas, Applicant teaches using the dissolved derivative of cystine on a chip to form a “single layer”. Furthermore, Applicant uses separate monomers such as N-benzylacrylamide, in the polymerization process, which is nowhere disclosed or suggested by either the Horacek, et al., Domb or Cao, et al. references.

Given such contrary deficient teachings of the Cao, et al. and Horacek, et al. references, the secondarily-cited reference Domb reference are found to be quite ineffectual to the present patentability analysis. The Domb reference was cited for disclosing isolated features, but fails to sufficiently remedy the deficiencies of both the Cao, et al. and Horacek, et al. references. Furthermore, nowhere does the Domb reference even disclose or suggest the membrane as taught by Applicant.

It is respectfully submitted, therefore, that the Cao, et al., Horacek, et al. and Domb references, even when considered together, fail to disclose the unique combination of steps now more clearly recited by Applicant’s pending Claims for the purposes and objectives disclosed in the subject Patent Application.

It is believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

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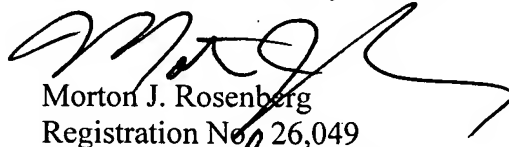
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In the event that there are any further concern by the Examiner with regard to the amended claims, it is respectfully requested that the Examiner telephone the undersigned attorney.

No fees are believed to be due with this Amendment. If there are any further charges associated with this filing, the Honorable Commissioner for Patents is hereby authorized to charge Deposit Account #18-2011 for such charges.

Respectfully submitted,

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